

**STATE WATER RESOURCES CONTROL BOARD
BOARD MEETING MINUTES**

July 22, 2004

Copies of the resolutions, water quality orders, and water right orders can be either obtained from Debbie Irvin at (916) 341-5600; or downloaded from our web site at <http://www.swrcb.ca.gov/resdec/index.html#resdec>.

CALL TO ORDER

The meeting was called to order by Arthur G. Baggett, Jr., Chair, July 22, 2004, at 9:04 a.m., in the Coastal Hearing Room, 1001 I Street, Sacramento, California.

BOARD MEMBERS PRESENT

Arthur G. Baggett, Jr., Chairman; Peter S. Silva, Vice-Chair; Richard Katz, Member; Gary M. Carlton, Member; and Nancy H. Sutley, Member

BOARD MEMBERS ABSENT

None.

STAFF PRESENT

Celeste Cantú, Harry Schueller, Thomas Howard, Craig M. Wilson, Debbie Irvin, Betsy Jennings, Dana Differding, Sheila Vassey, Frances McChesney, Carl Henriet, Wayne Verrill, Dominic Gregorio and Wayne Pierson

OTHERS PRESENT

Marlaigne Hudnall, California Association of Sanitation Agencies; Layne Baroldi, Tri-TAC; Maura Bonnarens, Bay Area Clean Water Agencies; Mayor Marci Coglianese, City of Rio Vista; Dante Nomellini, Jr., Central Delta Water Agency; John Lormon, Scripps Institution of Oceanography; Sarah Newkirk, The Ocean Conservancy; Catherine Kuhlman, Regional Water Board, North Coast; Kenneth Landau, Regional Water Board, Central Valley; Peter McGaw, Archer Norris; Bill Lewis, Yuba City; Debbie Webster, City of Santa Rosa; Vicki Conway, Los Angeles County Sanitation Districts; Stuart L. Somach, Morongo Band of Mission Indians; and Samantha Olson, Division of Water Rights Enforcement Team

Item 15 speakers: Virginia Porter, City of Santa Rosa; Mary Agneberg, Russian River Getaways; Michael Delbar, County of Mendocino; Catherine Kuhlman, Regional Water Board, North Coast; Bill Hearn, National Marine Fisheries Service; Tom Roth, Congresswoman Woolsey's Office; Lynn Crescione, Creekside Inn; Darcy Devlin, Save the Russian River; Melissa Snyder, Susan Joice, Lloyd Guccione, Grable Duvall, Tom Crackshank, Royce Brooks, Robbi Ernst, and Stephanie Cika, Guerneville; Marc Del Piero, Mendocino County Russian River Flood Control & Water Conservation District; Mike Reilly, Sonoma County Supervisor, 5th District; Brendan Twohig, Assemblywoman Patty Berg's Office; Pamela Jeane and Alan Lilly, Sonoma County Water Agency; Roland Sanford, Mendocino County Water Agency; Jim Maresca, Jenner; Virginia Strom-Martin, Friends of the Russian River; Steve Fogle, Russian River Chamber of Commerce; Nadananda, David Keller, and David Nauin (sp?), Friends of the Eel River; Joan Riback, Gail & Walter Shabalin, Linda Burke, Cam Perry, and Anne Matalon, Forestville; Rob Rawson, Forestville Citizens for Sensible Growth; Howard C. Blake and Lee Tolbert, Palomino Lakes Mutual Water Company; Virginia Wikle, Villa Grande; Galen Lock (sp?), and Louisa Yates, Healdsburg; Thorn Filippelli, Rio Nido; Vesta Copestakes, West County Gazette; Jerome Waldie, Placerville; Brenda Adelman, Russian River Watershed Protection Committee; Ann Maurice, Ad Hoc Committee; Brian Hines, Trout Unlimited

PUBLIC FORUM

No one addressed the Board.

MINUTES

The Board unanimously approved the Minutes of the June 17, 2004 Board meeting.

CONSENT AGENDA

Item 1 was removed. Items 2-8 were unanimously adopted, as recommended by staff.

FINANCIAL ASSISTANCE This item was removed from the agenda.

1. Consideration of a resolution approving projects, and authorizing issuance of grants to implement the 319(h) projects; consolidated watershed protection, watershed management, drinking water quality, and nonpoint source pollution control grants

2. Consideration of a resolution adopting the petroleum underground storage tank emergency, abandoned, recalcitrant (EAR) account annual site list; and authorizing the Executive Director to execute contracts for the expenditure of EAR account funds

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2004-0041**

3. Consideration of a resolution approving 4 appointments to the wastewater treatment plant operator certification advisory committee: Jack Frazier and Wyatt Troxell, Inland Empire Utilities Agency; David Hamilton, International Union of Operating Engineers; and Ken Kerri, California State University, Sacramento

Motion: The Board unanimously adopted the proposed resolution approving the four committee appointments. **Resolution 2004-0042**

WATER QUALITY

4. Consideration of amendments to Attachment F, Nonpoint Source procedures of the Memorandum of Understanding, between San Francisco Bay Conservation and Development Commission, SWRCB, and Regional Water Board, San Francisco Bay

Motion: The Board unanimously adopted the proposed resolution approving the amendments. **Resolution 2004-0043**

5. Consideration of a resolution approving an amendment to the Water Quality Control Plan for the Los Angeles Region to update ammonia objectives for inland surface waters not characteristic of freshwater

Motion: The Board unanimously adopted the proposed resolution approving the basin plan amendment. **Resolution 2004-0044**

6. Consideration of a resolution approving an amendment to the San Francisco Bay Basin Water Quality Control Plan to update water quality objectives for various metals and National Pollutant Discharge Elimination System implementation provisions

Motion: The Board unanimously adopted the proposed resolution approving the basin plan amendment. **Resolution 2004-0045**

7. Consideration of a resolution approving an amendment to the Water Quality Control Plan for the Los Angeles Region to incorporate a total maximum daily load for chloride in the upper Santa Clara River

Motion: The Board unanimously adopted the proposed resolution approving the basin plan amendment. **Resolution 2004-0046**

8. Authorization for the Executive Director to apply for, accept, and/or amend a federal Clean Water Act section 205(j) grant

Motion: The Board unanimously adopted the proposed resolution. **Resolution 2004-0047**

REGULAR AGENDA

WATER QUALITY

9. Consideration of (1) Vacating certification of the 2000 Final PEIR and GWDRs for the discharge of biosolids to land; (2) Certification of the revised Final PEIR for land application of biosolids; and (3) Adoption of GWDRs for land application of biosolids

Wayne Verrill, Division of Water Quality, presented the item to the Board, recommending adoption of the Final PEIR and addressed the proposed modified General Order, as endorsed in comments received, as the environmentally superior alternative with Class A and B land application; and, secondly, adoption of the order would be protective of public health and the environment and be cost effective. Comment letters received in opposition and biosolid land application issues, from the July 7, 2004 workshop were addressed.

Marlaigne Hudnall, Layne Boroldi, Maura Bonnarens, Marci Coglianese and Dante Nomellini, Jr. addressed the Board.

Motion: The Board unanimously adopted the proposed resolution vacate the existing order.

Resolution 2004-0049

Motion: The Board unanimously adopted the proposed resolution certifying the EIR.

Resolution 2004-0050

Motion: The Board unanimously adopted the proposed resolution to adopt the general order.

Resolution 2004-0051

Motion: The Board unanimously adopted the proposed order.

Water Quality Order 2004-0012

WATER QUALITY

10. Consideration of a resolution approving an Exception to the California Ocean Plan for the University of California Scripps Institution of Oceanography to discharge into the San Diego Marine Life Refuge area of special biological significance

Dominic Gregorio, Division of Water Quality, presented the item as revised from the July 7, 2004 workshop.

John Lormon and Sarah Newkirk addressed the Board.

Sheila Vassey, Office of Chief Counsel, addressed the Board to clarify changes.

Motion: The Board unanimously adopted the revised resolution. **Resolution 2004-0052**

11. Progress report from the Regional Water Board, North Coast, regarding actions to address water quality issues related to timber harvesting in the watersheds of Elk River, Freshwater Creek and three tributaries of the Eel River

Catherine Kuhlman, Executive Officer, Regional Water Board, North Coast, addressed the Board and reported on recent actions taken by the Regional Water Board, North Coast, regarding protection of water quality from impacts related to timber harvesting.

WATER QUALITY PETITION

12. Consideration of a petition of Yuba City for review of waste discharge requirements Order No. R5-2003-0085 and Cease and Desist Order No. R5-2003-0086, issued by the Central Valley Regional Board; SWRCB/OCC File A-1580

Betsy Jennings, Office of Chief Counsel and Carl Henriet, Division of Water Quality, presented the revised draft order to the Board.

Frances McChesney, Peter McGaw, Bill Lewis, Debbie Webster, Vicky Conway and Marlaigne Hudnall addressed the Board.

Betsy Jennings and Craig M. Wilson reminded the parties that no new evidence or written comments will be received.

Motion: The Board unanimously adopted the revised order. **WQ Order 2004-0013**

WATER QUALITY

13. Modification to Attachment E granting an Exception from SIP requirements for Byron Bethany and Woodbridge Irrigation Districts to Water Quality Order No. 2004-0009-DWQ Statewide General National Pollutant Discharge Elimination System Permit for the discharge of aquatic pesticides for aquatic weed control

Wayne Pierson, Division of Water Quality, recommended the Board put the files into the records and approve the application being added.

There were no speakers.

Motion: The Board unanimously adopted the proposed resolution as revised.
Resolution 2004-0048

WATER RIGHTS

14. Consideration of an order taking action on the Morongo Band of Mission Indians' request for reconsideration of the hearing officer's ruling denying the Morongo Band's petition to disqualify the enforcement team in a hearing concerning the proposed revocation of the Morongo Band's water right license to divert water from Millard Canyon in Riverside County

Dana Differding, Office of Chief Counsel, presented the order to the Board.

Stuart L. Somach and Samantha Olson addressed the Board.

Motion: The Board unanimously adopted the revised order to deny the petition.
WR Order 2004-0034

15. Consideration of a petition by Sonoma County Water Agency for approval of a temporary urgency change in water right permits amending minimum flows in Dry Creek and the Russian River in Sonoma and Mendocino Counties

Note: Item 15 was noticed as a workshop item; however, action was subsequently taken on July 26, 2004. **WR Order 2004-0035.**

ADJOURNMENT

The Chairman adjourned the meeting at 12:00 p.m.